

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA *ex rel.*
EUGENE N. BARRON,

Plaintiff,

v.

NEW YORK EYE AND EAR INFIRMARY OF
MOUNT SINAI, ANGIE E. WEN, M.D.,
JOHN/JANE DOES, M.D. 1-50,

Defendants.

FILED UNDER SEAL

21 Civ. 4708 (PKC) (KHP)

ORDER

The United States of America having now declined to intervene pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), with respect to the claims raised in the complaint filed by the relator;

IT IS ORDERED THAT,

1. The complaint shall be unsealed thirty days after entry of this Order and, in the event that the relator has not moved to dismiss the action, service upon the defendant by the relator is authorized as of that date. If the relator voluntarily dismisses the complaint pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure within this thirty-day period, the relator may seek to modify this Order with the consent of the United States or by motion on notice to the United States.

2. All documents filed in this action prior to the entry of this Order shall remain under seal and not be made public, except for, thirty days after entry of this Order, relator's

complaint, this Order, and the Government's Notice of Decision to Decline Intervention (the "Government's Notice of Decision"). The relator will serve upon the defendant this Order and the Government's Notice of Decision only after service of the complaint.

3. The seal shall be lifted as to all other matters occurring in this action after the date of this Order.

4. The parties shall serve all pleadings, motions, and notices of appeal filed in this matter, including supporting memoranda, upon the United States. The United States may order any transcripts of depositions. The United States may seek to intervene with respect to the allegations in the relator's complaint, for good cause, at any time, or seek dismissal of this action.

5. All orders of this Court in this matter shall be sent to the United States by the relator.

6. Should the relator or the defendant propose that the complaint or any of its allegations be dismissed, settled, or otherwise discontinued, the party or parties proposing such relief must solicit the written consent of the United States before applying for Court approval.

Dated: 6-15, 2022

SO ORDERED:



HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE